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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,696	08/06/2001	Martin Gutfleisch	A-2899	1563
24131 7590 08/26/2010 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER ZIMMERMAN, JOSHUA D	
			ART UNIT 2854	PAPER NUMBER
			MAIL DATE 08/26/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/923,696	GUTFLEISCH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOSHUA D. ZIMMERMAN	2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3.5-8.12.15-17.20-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3.5-8.12.15-17.20-24 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 07/26/2010 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3, 9, 15-17 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess (WO 0021753). For simplicity, the corresponding US equivalent (US 6546868) will be used for citations.

Regarding claim 3, Hess teaches "a method for clearing a re-imageable printing form (abstract), which comprises:

initially washing ink from the printing form (column 6, lines 6-8); and

after washing the printing form, treating the printing form with a liquid clearing

medium selected from the group consisting of an alkali and a base (column 7, lines 24-26) in a non-abrasive manner, irreversibly clearing all image information on a surface of the printing form (column 6, lines 14-28)."

Regarding claim 9, Hess further teaches "providing water as the liquid clearing medium (column 6, lines 51-52)." Examiner interprets the 'moist atmosphere' to meet the claimed limitation because water will be condensed on the printing form from the atmosphere, at least in an amount to be considered liquid.

Regarding claim 15, Hess further teaches "performing the steps thereof in one of a printing machine and a clearing device outside a printing machine (column 6, lines 24-26)."

Regarding claim 16, Hess discloses "a device for clearing a re-imageable printing form, comprising:

- a device for initially washing ink from the printing form (column 6, lines 6-9); and
- a device configured for, after the printing form being washed, applying liquid clearing medium selected from the group consisting of an alkali or a base (column 7, lines 24-26) to the printing form (column 6, lines 14-29)."

Regarding claim 17, Hess discloses "a device for clearing a re-imageable printing form washed free of ink, comprising a device for applying liquid clearing medium selected from the group consisting of an alkali or a base (column 7, lines 24-26) to the ink-free printing form in a non-abrasive manner, irreversibly clearing all image information on a surface of the printing form (column 6, lines 14-29)."

Regarding claim 26, Hess discloses "a printing machine (column 6, lines 62-67) having a device for clearing a re-imageable printing form (column 6, lines 14-29), comprising:

- a device for initially washing ink from the printing form (column 6, lines 6-9); and
- a device for, after the printing form being washed, applying liquid clearing medium selected from the group consisting of an alkali or a base (column 7, lines 24-26) to the printing form in a non-abrasive manner, irreversibly clearing all image information on a surface of the printing form (column 6, lines 14-29)."

4. Claims 16, 17, 21-24 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Sasaki et al. (US 2001/0006028).

Regarding claim 16, Sasaki et al. disclose "a device (figure 2) for clearing a re-imageable printing form, comprising:

- a device for initially washing ink from the printing form (item 17); and
- a device configured for, after the printing form being washed, applying liquid clearing medium selected from the group consisting of an alkali or a base to the printing form in a non-abrasive manner, irreversibly clearing all image information on a surface of the printing form (item 17)." Item 17 of Sasaki et al. is more than capable of performing both intended use functions.

Regarding claim 17, Sasaki et al. disclose "a device (figure 2) for clearing a re-imageable printing form washed free of ink (the device of Sasaki et al. is more than capable of performing this intended use), comprising a device (item 17) for applying

liquid clearing medium to the ink-free printing form in a non-abrasive manner, irreversibly clearing all image information on a surface of the printing form."

Regarding claim 21, Sasaki et al. further disclose "including a heat source for heating the printing form (the hot air blower of paragraph 122)."

Regarding claim 22, Sasaki et al. further disclose "wherein said heat source is at least one of an infra-red laser, at least one heat emitter, and at least one hot-air blower (paragraph 122)."

Regarding claim 23, Sasaki et al. further disclose "including a device for generating higher than normal atmospheric pressure in the environment of the printing form (paragraph 122. Since the water is at 120°C, which is above the normal boiling point of water, inherently, the atmospheric pressure must be above normal. As such, a device must inherently be provided to provide the higher pressure)."

Regarding claim 24, Sasaki et al. further disclose "wherein said device for applying liquid clearing medium to the printing form is a sprayer (paragraph 121; item 17)."

Regarding claim 26, Sasaki et al. disclose "a printing machine (figure 2) having a device for clearing a re-imageable printing form (item 17), comprising:

- a device for initially washing ink from the printing form (item 17); and

- a device for applying liquid clearing medium selected from the group consisting of an alkali and a base to the printing form in a non-abrasive manner, irreversibly clearing all image information on a surface of the printing form (item 17)."

Item 17 of

Sasaki et al. is more than capable of performing both intended use functions.

5. Claims 16, 17, 20-22 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al. (US 6796237).

Regarding claim 16, Schuster et al. disclose "a device for clearing a re-imageable printing form (at least, the basin in column 2, lines 54-57), comprising:

a device for initially washing ink from the printing form (at least, the basin in column 2, lines 54-57); and

a device configured for applying liquid clearing medium selected from the group consisting of an alkali and a base to the printing form (at least, the basin in column 2, lines 54-57)." The device of Schuster et al. is more than capable of performing both intended use functions.

Regarding claim 17, Schuster et al. disclose "a device for clearing a re-imageable printing form washed free of ink (at least, the basin in column 2, lines 54-57; column 3, lines 25-32), comprising a device for applying fluid clearing medium selected from the group consisting of an alkali and a base to the ink-free printing form (at least, the basin in column 2, lines 54-57) in a non-abrasive manner, irreversibly clearing all image information on a surface of the printing form."

Regarding claim 20, Schuster et al. further disclose "including an ultrasound source for irradiating the printing form with ultrasound (column 3, lines 33-34)."

Regarding claim 21, Schuster et al. further disclose "including a heat source for heating the printing form (column 4, lines 43-45)."

Regarding claim 22, Schuster et al. further disclose "wherein said heat source is at least one of an infra-red laser, at least one heat emitter, and at least one hot-air blower (column 4, lines 43-45)."

Regarding claim 26, Schuster et al. disclose "a printing machine (column 5, lines 1-4) having a device for clearing a re-imageable printing form, comprising:

a device for initially washing ink from the printing form (at least, the basin in column 2, lines 54-57); and

a device for applying liquid clearing medium selected from the group consisting of an alkali and a base to the printing form (at least, the basin in column 2, lines 54-57; column 3, lines 24-26 and 33)." The device of Schuster et al. is more than capable of performing both intended use functions.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. in view of Schuster et al.

Regarding claim 20, Sasaki et al. teach all that is claimed, as in claim 16 above, but fails to disclose "including an ultrasound source for irradiating the printing form with ultrasound."



However, Schuster et al. teach using an ultrasound basin to effectively clear a reimagable printing member of its image information (column 2, lines 54-59; column 3, lines 33-34).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the invention of Sasaki et al. to include an ultrasound basin to apply a clearing liquid to the printing form in order to effectively clear the image information from the printing plate.

8. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess.

Regarding claims 12 and 24, Hess teaches all that is claimed, as in claims 3 and 16 above, but is silent regarding how the liquid clearing medium is applied to the printing form, merely stating that the surface of the form is subjected to a treatment of a solution (column 6, lines 17-29). However, Examiner takes Official Notice that it was well-known, at the time of the invention, to use sprayers to easily provide a surface of a printing form with a solution. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to use sprayers in the method and apparatus of Hess in order to provide the treatment solution of Hess to the printing form in an easy manner.

Since Applicants have not challenged the Official Notice, that which was taken as well-known is deemed to be Admitted Prior Art.

9. Claims 5-8 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess in view of Applicants' Admitted Prior Art (AAPA).

Regarding claims 6 and 21, Hess teaches all that is claimed, as in claims 3 and 16, respectively, above, but fails to teach "exposing the printing form to the effects of a heat source during the treatment thereof with the liquid clearing medium" or "including a heat source for heating the printing form."

However, one having ordinary skill in the art would recognize that, since the process disclosed by Hess is a chemical reaction, applying extra energy in the form of heat would speed up the process. Furthermore AAPA teaches that in plates similar to those of Hess, heat treatment speeds up the clearing process (page 4, lines 12-15, of Applicants' specification). Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to provide a heat source for heating the printing form in order to apply extra energy in the form of heat in order to speed up the process of Hess. Since it has been shown in similar reactions that increasing the temperature speeds up the process, one having ordinary skill in the art would have had more than reasonable expectation of speeding up the process of Hess.

Regarding claims 7 and 22, Hess, as modified, teaches all that is claimed, as in claims 6 and 21 above, but fails to mention the mode of heat transmittal. However, examiner takes Official Notice that infrared lasers, heat emitters, and hot air blowers, at the time of the invention, were common heat sources useful to increase the temperature of a process. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to provide "at least one of an infrared laser, at least one

heat emitter and at least one hot-air blower as the heat source” in order to increase the temperature of the process of Hess

Regarding claims 8 and 23, Hess, as modified, teaches all that is claimed, as in claims 6 and 21 above, respectively, but fails to teach “exposing the printing form to higher than normal atmospheric pressure during the treatment with the liquid clearing medium” or “including a device for generating higher than normal atmospheric pressure.” However, it has already been established that increasing the temperature of the reaction is beneficial (see discussion above with respect to claim 6). Furthermore, examiner takes Official Notice that, at the time of the invention, it was well-known that increasing the atmospheric pressure allows for a higher temperature to be reached at the reaction site by allowing the boiling point of the liquid medium to be increased. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to expose “the printing form to higher than normal atmospheric pressure during the treatment with the liquid clearing medium” by providing “a device for generating higher than normal atmospheric pressure in the environment of the printing form” in order to increase the temperature of the process of Hess in order to speed up the process.

Since Applicants have not challenged the Official Notice, that which was taken as well-known is deemed to be Admitted Prior Art.

Regarding claims 5 and 20, Hess teaches all that is claimed, as in claims 3 and 16 above, but fails to teach providing an ultrasound source to treat “the printing form with ultrasound during the treatment thereof with the liquid clearing medium.” However,

it has already been established that increasing the temperature of the reaction is beneficial (see discussion above with respect to claim 6). Furthermore, examiner takes Official Notice that, at the time of the invention, it was well-known to use ultrasound to raise the temperature of a system. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the method and system of Hess by providing an ultrasound device to treat the printing form with ultrasound to raise the temperature of the system to increase the speed of the process of Hess.

Since Applicants have not challenged the Official Notice, that which was taken as well-known is deemed to be Admitted Prior Art.

### ***Response to Arguments***

10. Applicants' arguments regarding the rejections of the apparatus claims have been fully considered but they are not persuasive. The devices of the cited references are more than capable of performing the intended use limitations, as discussed above in the rejections of the apparatus claims.

11. Applicants' argument that Hess does not teach using an alkali or a base as the liquid clearing medium is unpersuasive. As stated in the Advisory Action of 08/05/10, the data sheet for an Ammonium Fluoride solution (see the document attached to the Advisory Action of 08/05/10) clearly shows that the Ammonium Fluoride solution is basic.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is (571)272-2749. The examiner can normally be reached on Monday-Friday, 9:30A-6:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D Zimmerman  
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